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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,303	10/16/2001	Richard M. Bentley	110878	4673

27074	7590	12/31/2007
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EXAMINER	
JEAN GILLES, JUDE	

ART UNIT	PAPER NUMBER
2143	

NOTIFICATION DATE	DELIVERY MODE
12/31/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction27074@oliff.com
jarmstrong@oliff.com

Office Action Summary

Application No.

09/977,303

Applicant(s)

BENTLEY, RICHARD M.

Examiner

Jude J. Jean-Gilles

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to the reply filed on 10/29/2007. Reconsideration of the final rejection dated September 27, 2007, in light of the remarks submitted during the interview dated October 17, 2007, is herein submitted.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-26** are rejected under 35 U.S.C. 102(b) as being anticipated by Paul, Patent. No. 5,999,932 A.

Regarding **claim 1**, Paul discloses a method for generating or extending a user interest profile, comprising:

monitoring e-mail messages directed to the user (*column 2, lines 2-16*);

selecting those e-mail messages satisfying at least one predetermined condition indicating that they are likely to include information relevant to the user's interests (*column 2, lines 2-16; column 4, lines 12-24 information relevant to the user is contained in the inclusion list*); and

extracting profile data from the selected messages (*column 2, lines 2-16; column 4, lines 12-24; the profile data is data contained in the inclusion list, data that is of interest to the user*);

wherein, for each selected message, the selected message is selected and the extracted profile data is extracted before the user reads the selected message (*see fig. 4, and 4A; the message is selected, data is processed accordingly in the inclusion list prior to being displayed to the user; column 8, lines 17-34*).

Regarding **claim 2**, Paul discloses a method according to claim 1, further comprising storing the extracted profile data (fig. 3, item 302).

Regarding **claim 3**, Paul discloses a method according to claim 2, further comprising displaying the extracted profile data to the user and storing only those data indicated by the user (fig. 4, item 415; column 9, lines 8-19).

Regarding **claim 4**, Paul discloses a method according to claim 1, wherein the at least one predetermined condition is constituted by the message having an attachment. Inherently, the predetermined data fields of the email messages are able to contain an attachments (see column 1, lines 9-17).

Regarding **claim 5**, Paul discloses a method according to claim 1, wherein the at least one predetermined condition is constituted by the message being a forwarded message (column 5, lines 20-62; column 6, lines 1-29).

Regarding **claim 6**, Paul discloses a method according to claim 5, wherein said extracting further comprises operating on words added by a forwarder of the forwarded message (column 2, lines 2-16; column 4, lines 12-24).

Regarding **claim 7**, Paul discloses a method according to claim 1, wherein the at least one predetermined condition is constituted by the message including a URL. Using a URL as a precondition in the context of the invention is inherent. The inclusion data list described in the abstract portion of the specification is inherently capable of handling URLs as a precondition for e-mail matching and filtering.

Regarding **claim 8**, Paul discloses a method according to claim 1, wherein the profile data comprise one or more keywords or phrases (column 3, lines 6-19).

Regarding **claim 9**, Paul discloses a method according to claim 1, wherein said extracting further comprises operating on data contained within a subject line of the message (column 3, lines 6-19).

Regarding **claim 10**, Paul discloses a method according to claim 1, wherein said extracting further comprises operating on an attachment to the message. Inherently, the predetermined data fields of the email messages are able to contain an attachments (see column 1, lines 9-17).

Regarding **claim 11**, Paul discloses a method according to claim 1, further comprising using the extracted data to search an information repository for matching items (column 4, lines 2-25).

Regarding **claim 12**, Paul discloses an apparatus for generating or extending a user interest profile, the method comprising:

means for monitoring electronic messages directed to the user (*column 2, lines 2-16*);

means for selecting those electronic messages satisfying at least one predetermined condition indicating that they are likely to include information relevant to the user's interests (*column 2, lines 2-16; column 4, lines 12-24 information relevant to the user is contained in the inclusion list*); and

means for extracting profile data from the selected messages (*column 2, lines 2-16; column 4, lines 12-24; the profile data is data contained in the inclusion list, data that is of interest to the user*).

Regarding **claim 13**, Paul discloses an apparatus according to claim 12, wherein the at least one predetermined condition is constituted by the message having an attachment. Inherently, the predetermined data fields of the email messages are able to contain an attachments (see column 1, lines 9-17).

Regarding **claim 14**, Paul discloses an apparatus according to claim 12, wherein the at least one predetermined condition is constituted by the message being a forwarded message (column 5, lines 20-62; column 6, lines 1-29).

Regarding **claim 15**, Paul discloses an apparatus according to claim 14, wherein said extracting means operates on words added by a forwarder of the forwarded message (column 2, lines 2-16; column 4, lines 12-24).

Regarding **claim 16**, Paul discloses an apparatus according to claim 12, wherein the at least one predetermined condition is constituted by the message including a URL. Using a URL as a precondition in the context of the invention is inherent. The inclusion data list described in the abstract portion of the specification is inherently capable of handling URLs as a precondition for e-mail matching and filtering.

Regarding **claim 17**, Paul discloses an apparatus according to claim 12, wherein the profile data comprise one or more keywords or phrases (column 3, lines 6-19).

Regarding **claim 18**, Paul discloses an apparatus according to claim 12, wherein said extracting means operates on one of data contained within a subject line of the message and an attachment to the message (column 3, lines 6-19; Inherently, the predetermined data fields of the email messages are able to contain an attachments (see column 1, lines 9-17).

Regarding **claim 19**, Paul discloses an apparatus according to claim 12, further comprising: a display for displaying the extracted profile data to the user; and a memory for storing only those data indicated by the user (figs. 1-2; fig. 4).

Regarding **claim 20**, Paul discloses an apparatus according to claim 12, further comprising means for using the extracted data to search an information repository for matching items (column 4, lines 2-25).

Regarding **claim 21**, Paul discloses the method of claim 1, wherein the e-mail messages are incoming e-mail messages (*column 2, lines 2-16*);

Regarding **claim 22**, Paul discloses the apparatus of claim 12, wherein the e-mail messages are incoming e-mail messages (*column 2, lines 2-16*);

Regarding **claim 23**, Paul discloses the method of claim 1, further comprising using the extracted profile data to create or modify the user profile (*column 2, lines 2-16; column 4, lines 12-24; the profile data is data contained in the inclusion list, data that is of interest to the user*);

Regarding **claim 24**, Paul discloses the apparatus of claim 12, further comprising means for using the extracted profile data to create or modify the user profile (*column 2, lines 2-16; column 4, lines 12-24; the profile data is data contained in the inclusion list, data that is of interest to the user*);

Regarding **claim 25**, Paul discloses the method of claim 1, further comprising: searching a data repository using the extracted profile data; and displaying the results of the search when the user reads the selected message (fig. 4, items 404, 415; column 9, lines 8-19).

Regarding **claim 26**, Paul discloses the apparatus of claim 12, further comprising:
means for searching a data repository using the extracted profile data; and
means for displaying the results of the search when the user reads the selected message (fig. 4, items 404, 415; column 9, lines 8-19).

Conclusion

3. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

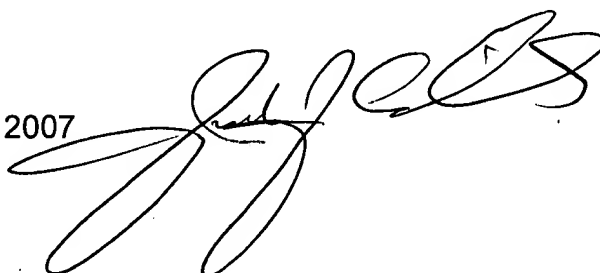
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

December 16, 2007

A handwritten signature in black ink, appearing to read 'Jude Jean-Gilles', is written over the typed name and date.